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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Liechtenstein

1. The Committee considered the initial report of Liechtenstein (CRC/C/61/Add.1), received on 22 September 1998, at its 673rd and 674th meetings (see CRC/C/SR.673 and 674), held on 10 January 2001, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report in accordance with the guidelines for reporting as well as the written replies to its list of issues (CRC/C/Q/LIE/1) which allowed for a clearer understanding of the situation of children in the State party. The Committee expresses appreciation for the information provided by the delegation during the dialogue.

* At the 697th meeting, held on 26 January 2001.

B. Positive aspects

3. The State party's accessions to the Convention on the Elimination of All Forms of Discrimination against Women (1995), the International Covenant on Civil and Political Rights (1999), the International Covenant on Economic, Social and Cultural Rights (1999), and the International Convention on the Elimination of All Forms of Racial Discrimination (2000), and to the European Convention on Human Rights, are considered as positive measures.

4. The Committee welcomes the establishment of the national youth parliament, which strengthens the active participation of young people in societal activities.

5. The Committee notes with appreciation that the State party is hosting a large number of refugees from the Balkan region.

C. Principal subjects of concern and recommendations

1. General measures of implementation

Reservations

6. The Committee welcomes the State party's preparation of legislation that will further facilitate access to Liechtenstein citizenship for stateless persons. In this regard, it further welcomes the intention of the State party to withdraw its reservations to article 7 of the Convention and to accede to the relevant international conventions on statelessness.

7. The Committee encourages the State party to complete the revision of the legislation regarding acquisition of Liechtenstein citizenship as soon as possible, in light of the Convention. Additionally, the Committee encourages the State party to pay special attention to the position of children born in Liechtenstein to stateless parents. In this connection, the Committee also recommends that the State party withdraw its reservation to article 7 at the earliest possible opportunity and ratify the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

8. The Committee is concerned about the reservation made by the State party to article 10 (2) of the Convention as well as the State's policy regarding family reunification. These suggest that the State party has serious difficulties in dealing with applications for the purpose of family reunification in a positive, humane and expeditious manner and without adverse consequences for the applicants.

9. The Committee recommends that the State party take the necessary legal and other measures to establish a practice in the area of family reunification in accordance with the principles and provisions of the Convention. The Committee further encourages the State party to consider the withdrawal of its reservation to article 10 (2) of the Convention.

Legislation

10. The Committee is aware of the current revision of the Youth Act (1979) and notes the efforts of the State party to involve youth in the process. However, it remains concerned that the laws relevant to children are not yet fully in compliance with the principles and provisions of the Convention.

11. The Committee encourages the State party to continue the revision of the Youth Act (1979), with the involvement of children. Additionally, the State party should undertake further legislative review to ensure full compliance with the Convention and its rights-based approach.

Independent monitoring

12. While the Committee notes that the State party publishes annual reports on the implementation of the Convention, it is concerned that there is no mechanism that can independently monitor implementation and address violations of the rights of children.

13. The Committee recommends that the State party establish an independent, child-friendly monitoring mechanism, such as an ombudsperson for children or a national commission for children's rights, in accordance with the Paris Principles (General Assembly Resolution 48/134), to monitor the implementation of the Convention. Such a mechanism should be empowered to investigate and make recommendations regarding violations of the rights of children and other shortcomings in the implementation of the Convention.

Data collection

14. The Committee notes with concern the lack of adequate data-collection mechanisms within the State party to ensure the collection of disaggregated data on all aspects of the Convention and to effectively monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

15. The Committee recommends that a comprehensive system of data collection be introduced in Liechtenstein incorporating all the areas covered by the Convention. Such a system should cover all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable.

Cooperation with civil society

16. The Committee is concerned at the limited participation of civil society and non-governmental organizations in the implementation of the Convention, including in the preparation of reports.

17. The Committee encourages the State party to consider more proactive measures to systematically involve civil society and non-governmental organizations in the implementation of the Convention.

Dissemination of the Convention

18. While noting initial efforts to disseminate the Convention, the Committee considers that education for children and training activities for professional groups on children's rights need ongoing attention.

19. The Committee recommends that the State party renew its efforts to disseminate the Convention both to children and to the broader public. It also recommends that the State party undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, teachers, health personnel including psychologists, and social workers.

2. General principles

Non-discrimination

20. While the Committee is aware of the initial measures taken by the State party, it remains concerned about the instances of de facto gender discrimination. Concern is also expressed at incidents of racial hatred that can have a negative effect on the development of children.

21. In light of article 2 and other related articles of the Convention, the Committee recommends that the State party strengthen its administrative measures to eliminate de facto discrimination against girls. The Committee further recommends that the State party renew its campaign, held in 1995, against racism, xenophobia and related intolerance with the view, inter alia, to preventing prejudices and hostilities towards foreigners among children and adolescents.

Best interests of the child and respect for the views of the child

22. The Committee is concerned that two general principles of the Convention, as laid down in articles 3 (best interests of the child) and 12 (respect for the views of the child), are not fully applied and duly integrated into the implementation of the policies and programmes of the State party.

23. The Committee recommends that further efforts be made to ensure the implementation of the principles of the best interests of the child and respect for the views of the child. In this connection, particular emphasis should be placed on the right of the child to participate in the family, at school, within other institutions and bodies, such as the Youth Council, and generally in society. The general principles should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large as well as educational programmes on the implementation of these principles should be reinforced.

3. Family environment and alternative care

Protection from abuse and neglect

24. The Committee notes the special attention given to domestic violence, including the establishment of a State-supported shelter for abused women and their children and a legislative proposal to make expulsion of perpetrators from the home possible. However, the Committee is concerned about the possible under-reporting of abuse of children as well as the fact that medical doctors are exempted from the obligation to report cases of child abuse. In this connection, the Committee also expresses concern regarding the lack of statistical data on physical and sexual abuse of children.

25. In light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party take effective measures, including reinforcing current multidisciplinary programmes and rehabilitative measures, to prevent and combat abuse and ill-treatment of children within the family and at school. The Committee suggests that the State party reconsider the rule concerning the reporting of cases of child abuse by medical doctors in order to make the reporting system more effective and take other measures to reduce under-reporting of child abuse. Adequate procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice and to avoid impunity for the offenders.

4. Basic health and welfare

Adolescent health

26. The Committee notes with interest the comprehensive approach to implementing primary prevention of drug abuse among adolescents, focusing on the development of a strong personal identity together with a positive self-image. However, the Committee remains concerned about the health problems faced by adolescents within the State party.

27. The Committee recommends that the State party continue with and expand to other areas the comprehensive approach of primary prevention, in particular concerning alcohol abuse and also with regard to the possibility of adolescents making independent decisions in health matters that directly affect them. Furthermore, the Committee recommends the State party to continue and strengthen its activities to prevent HIV/AIDS and STDs and teenage pregnancies and to pay special and increased attention to adolescent victims of road accidents.

5. Special measures of protection

Administration of juvenile justice

28. With regard to the administration of juvenile justice, the Committee is concerned about the lack of disaggregated statistics on the types of offences with which minors are generally charged, as well as on the average length of sentences and pre-trial detention. Concern is also expressed regarding the insufficient information concerning the practice and procedure of monitoring the situation of children who, owing to the lack of facilities in the State party, are in detention in Austria.

29. The Committee recommends that the State party pay close attention to the practice of juvenile justice through, inter alia, the systematic collection of disaggregated data and monitoring, particularly with respect to the children in detention in Austria. All additional appropriate measures should be taken to ensure full compatibility with the Convention, especially articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

Sexual exploitation and sexual abuse

30. While the Committee is aware that the State party is in the process of amending its legislation against sexual abuse, it is concerned at the lack of information on this social phenomenon.

31. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to strengthening current policies and measures, including care and rehabilitation, to prevent and combat this phenomenon. The Committee further recommends that the State party complete the enactment of its legislation against sexual exploitation and abuse. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children.

6. Ratification of the Optional Protocols

32. The Committee is aware that the State party has signed the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

33. The Committee encourages the State party to reinforce its efforts to ratify these instruments.

7. Dissemination of the reports

34. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.